

REMARKS*I. 35 U.S.C. 103(a) Rejection to Claims 1-2 and 4-19*

In the Office Action, the Examiner rejected Claims 1-2, and 4-19 under 35 U.S.C. 103(a) as being unpatentable over 2002/0138840-A1 to Schein in view of U.S. Patent 6,426,779 to Noguchi. Applicants disagree with this ground of rejection.

In Claim 1, the Applicants claim, "first and second data identifiers are derived from **program map information** associating said Internet data with video program content represented by said first decoded video output," (emphasis added). This claimed element is neither present in the Schein nor the Noguchi reference.

Examiner, in the Office Action, states that, "Schein inherently contains data identifiers in a channel map." Applicants disagree because Schein does not either disclose or suggest the use of a program map to identify-received data. Schein does disclose the ability to link with remote databases through the use of a television program guide that does not use the "program map" for receiving such information. Specifically, in the present application, the program map, "associates PIDs with individual packetized datastreams that constitute a program," (Application, page 7, lines 24-31). Schein does not disclose or suggest the use of a program map or this feature.

The Examiner also takes official notice that, "the use of a packet identifier to identify the type of data stream (MPEG/Internet data) is well known in the art," (Office Action, page 3, lines 3-4). Applicants claim the feature of, "first and second data identifiers are derived from program map information associating said Internet data with video program content," in Claim 1. This feature is not known in the art because a program map would need to have data used to generate the claimed first and second data identifiers, as claimed in Claim 1.

Furthermore, this claimed of the Applicants' invention has two aspects not appreciated by the official notice taken by the Examiner. First, the use of packet identifiers would have to identify both MPEG and data encoded in an Internet compatible data format. Secondly, additional identifying data would have to associate, "said Internet data with video program content." The Examiner has not shown via official notice that these two aspects are known in the art.

The Examiner during the Interview argued that such a program map may be read into the Noguchi reference. The Examiner however did not supply more detail to this statement. Applicants however note that the program map of Noguchi, as in Fig. 6, does not reveal the claimed feature of a, "first and second data identifier are derived from program map information associating said Internet data with first decoded video program content." The program map is required to have some type of data that associates Internet data with the first decoded video program content. This claimed feature is not shown or suggested in the Noguchi reference.

During the interview with the Examiner, Applicants argued that the claimed feature of having, "the proportion of said video image contributed by said first and second decoded outputs is variable as a percentage specified by an instruction." Specifically, the Schein reference does not present MPEG data and Internet data in a composite video image, specifically in Figs. 13 and 15. Schein only shows MPEG data and menu based data in fixed perspectives. Nothing in Schein indicates or suggests that the display of the first and second decoded outputs is "variable as a percentage specified by an instruction," as in Claim 1.

The Applicants also discussed Claim 6 during the interview. The Applicants disagree with the Examiner's assertion that Figures 13A, 13B, and 16A of Schein disclose the claimed feature of Claim 6 where the video image contributed by said first decoded output is, "variable between 0 and 100%". Figure 13A shows only one video image, Figure 13B, shows a video image with menu data, and Figure 16A shows more menu data with a video image. Nothing in these Figures shows that the video image is "variable between 0 and 100%", as claimed in Claim 6.

During the interview, Applicants also argued that the claimed feature of having, "the proportion of said video image contributed by said first and second decoded outputs is variable as a percentage specified by an instruction." Specifically, the Schein reference does not present MPEG data and Internet data in a composite video image, specifically in Figs. 13 and 15. Schein only shows MPEG data and menu based data in fixed perspectives. Nothing in Schein indicates or suggests that the display of the first and second decoded outputs is "variable as a percentage specified by an instruction," as in Claim 1.

Also, the Applicant noted, during the interview, that newly amended Claim 8 has the feature of having the proportion of the display of the first and second displayed outputs in response to, "formatting data received in said input video data." This feature is not shown or suggested in Fig 12B or paragraph 64 of Schein, or in any other reference cited by the Examiner. Examiner was receptive to this point and indicated that this may require a new search. Applicants also note that this claimed element was part of Originally Filed Claim 8.

Applicants respectfully assert that Claims 1, 6 and 8 are patentable and Applicants request the Examiner remove the rejections to these claims. For the reasons discussed above, The Applicants also request that the Examiner remove the rejections to Claims 2, 4-5, 7, and 9-19 for the same reasons.

II. 35 U.S.C. 103(a) Rejection to Claim 3

In the Office Action, the Examiner rejected Claim 3 under 35 U.S.C. 103(a) as being unpatentable over U.S. Application #2002/0138840-A1 to Schein in view of U.S. Patent 6,426,779 to Noguchi in further view of U.S. Patent 6,173,317 to Chaddha. Applicants disagree with this ground of rejection.

Applicants submit that the combined references of Schein and Chaddha are incompatible, and would not operate in the same manner as the Applicants' invention. Schein is addressed towards a system for, "providing schedule information on a visual interface, and for allowing the viewer to retrieve, initiate a subscription to, search, select and interact with information located in a remote database, computer network, or on-line service," (Schein, column 1, lines 29-35). In contrast, Chaddha is a system that provides an annotation stream that operates with annotation frames that have an, "event time marker which corresponds to the time stamp(s) of associated video frame(s) within the video stream," (Chaddha, column 2, lines 47-54).

Nothing in the Schein reference references or suggests how the described system is to operate with the, "event time markers which corresponds to the time stamp(s) of associated video frames(s)." Moreover, the system in Chaddha is addressed towards "streaming media" (Chaddha, column 1, lines 54-57), where both the video and annotation stream are sent as streaming media. This is compared to the system in Schein which is directed towards a television broadcast system that lists television programming presented on "various

channels at various times," (Schein, column 1, lines 45-50); non-streamed programming. Nothing in Schein indicates or suggests that the system capable of operating with streamed programming, as disclosed in Chaddha, as Schein operates with broadcasted program presented on broadcast channels. Furthermore, Chaddha is directed more towards a video on demand system than Schein that is concerned with broadcasted programming transmitted over channels at various times.

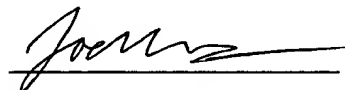
Applicants further submit that Noguchi would be incompatible with Schein because the programming in Noguchi is for, "a multiple channel television broadcast system," (see Noguchi, Abstract); a system with broadcasted programming transmitted over channels at various times. Furthermore, nothing in Noguchi nor Schein indicates how the system would operate with the "event time markers which corresponds to the time stamp(s) of associated video frames(s)," as disclosed in Chaddha.

The above argument was presented during the Interview with the Examiner.

Applicants respectfully assert that Claim 3 is patentable and Applicants request the Examiner remove the rejections to these claims.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the Hon. Commissioner for Patents at P.O. Box 1450, Alexandria, VA 22313-1450 on May 20, 2003.

A handwritten signature in cursive script, appearing to read "Joel M. Fogelson", is written over a horizontal dashed line.

Joel M. Fogelson